

PROCEEDINGS

MPA Remanded to Dep
of Court. Surety Bond³⁰
not accepted as payment

1 (Off the record.)

2 (Back on the record.)

3 THE COURT: Back on the record.

4 Mr. Asensio, as I have done in the past and I'm
5 going to do again today, I'm going to give you a choice now
6 to make the payment to Ms. Restivo, otherwise I'm going to
7 impose a penalty. Please let me know how you wish to
8 proceed.

9 MANUEL PEDRO ASENSIO-GARCIA: Your Honor, I brought
10 with me a surety bond.

11 THE COURT: A bond is not payment, Mr. Asensio.

12 MANUEL PEDRO ASENSIO-GARCIA: The surety bond is a
13 matter of law protecting me --

14 THE COURT: Mr. Asensio, a surety bond is not
15 payment.

16 I have a question for you, please answer my
17 question, you either pay Ms. Restivo or I proceed to the
18 penalty phase now. I've already heard you and I have heard
19 Ms. Restivo.

20 MANUEL PEDRO ASENSIO-GARCIA: If the penalty is, of
21 course, I'm not going -- like I have done before, the only
22 way I can challenge the attorney for the child's fees is to
23 wait to go to court, so, yes, I have to pay. I will have
24 to pay. The surety bond --

25 THE COURT: Sir, please do not refer to the surety

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1 bond again, I've already addressed that.

2 MANUEL PEDRO ASENSIO-GARCIA: -- it is.

3 THE COURT: I've already addressed that.

4 MANUEL PEDRO ASENSIO-GARCIA: -- yes, your Honor.

5 THE COURT: Please do not refer to it again.

6 Do you have payment now for Ms. Restivo?

7 MANUEL PEDRO ASENSIO-GARCIA: No, I don't.

8 The cash is in this account. The cash is in the
9 account for the surety bond.

10 THE COURT: Mr. Asensio, I just indicated to you
11 the surety bond is not material at this point.

12 MANUEL PEDRO ASENSIO-GARCIA: Okay.

13 May I -- may I add to my answer?

14 THE COURT: No, I'm not answering questions, Mr.
15 Asensio.

16 MANUEL PEDRO ASENSIO-GARCIA: May I just add --

17 THE COURT: I'm going to impose a penalty now.

18 MANUEL PEDRO ASENSIO-GARCIA: -- but I will pay.

19 THE COURT: Do you have the payment with you now?

20 MANUEL PEDRO ASENSIO-GARCIA: I can't bring the
21 payment --

22 THE COURT: Then I'm going to remand you until the
23 payment is made.

24 Just -- I will address it in a second.

25 MANUEL PEDRO ASENSIO-GARCIA: I have always paid,

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1 your Honor.

2 THE COURT: Do you have the payment with you now,
3 Mr. Asensio?

4 MANUEL PEDRO ASENSIO-GARCIA: I brought the surety
5 bond. I did not bring a payment like I did last time, your
6 Honor. I didn't think that it was the right thing to do.
7 I would --

8 THE COURT: Given the decision of this court, I'm
9 imposing a finding. The respondent in contempt. And given
10 the fact that this court has given the respondent an
11 opportunity to be heard and also an opportunity to purge
12 this contempt.

13 MANUEL PEDRO ASENSIO-GARCIA: I can purge it this
14 afternoon.

15 THE COURT: Please don't interrupt me.

16 MANUEL PEDRO ASENSIO-GARCIA: Okay, you're going
17 to --

18 COURT OFFICER: Sir.

19 THE COURT: Please do not interrupt me.

20 MANUEL PEDRO ASENSIO-GARCIA: -- okay. Sorry, your
21 Honor.

22 THE COURT: -- without this court having to impose
23 a penalty and it being clear that the respondent is not
24 prepared to do that at this time, this court has no choice
25 but to remand the respondent to the New York City Department

1 of Corrections to be held for a period not to exceed 150
2 days or until such time as he complies with the following
3 directives; respondent may purge his contempt by having the
4 sum of \$30,367.40 paid by a bank certified check made out to
5 Ms. Carmen Restivo, either brought to the court handed to
6 Ms. Restivo or purged with the clerk of this court. And
7 issuing and depositing another check made out to Ms. Carmen
8 Restivo in the sum of \$25,000 to be held in escrow by the
9 attorney for the child Ms. Restivo and applied towards
10 future bills and charges for the attorney for the child.

11 Respondent is to be produced in court on --

12 MANUEL PEDRO ASENSIO-GARCIA: Your Honor, I can make
13 this payment this afternoon by some way I could make the
14 payment and avoid this. I would like to make the payment.

15 THE COURT: Respondent is to be produced in court
16 by the Department of Corrections for a further review of
17 this court's order and to address compliance of the
18 respondent with the orders of this court on July 14, 2017.

19 MANUEL PEDRO ASENSIO-GARCIA: But I can make
20 payment. I could make payment.

21 THE COURT: Mr. Asensio, at this point --

22 MANUEL PEDRO ASENSIO-GARCIA: I have no idea what is
23 going to happen.

24 THE COURT: Are you going to let me speak, sir?

25 MANUEL PEDRO ASENSIO-GARCIA: Yes, your Honor.

1 THE COURT: At this point I'm remanding you to the
2 Department of Corrections. I'm -- the Department of
3 Corrections may be prepared or may accommodate this court
4 and yourself by holding you in this building until maybe
5 some time when the buses have to leave. If the payment is
6 brought to this court by that time before the buses are to
7 leave and the escrow amount that I just indicated is brought
8 to the court, then this court will be prepared to recall
9 this case and address the penalty. Until such time you are
10 remanded to the Department of Corrections.

11 Thank you.

12 We're off the record.

13 COURT OFFICER: Stand up, sir.

14 (Off the record.)

15 (Whereupon, the matter was recalled as follows:)

16 COURT OFFICER: Recall in the matter of Asensio.

17 Continued appearance by counsel.

18 (Whereupon, the parties were sworn in by the court
19 officer.)

20 COURT OFFICER: State your name and relationship to
21 the respondent.

22 HATUN AYTUG: Hatun Aytug, I'm his significant
23 other.

24 THE COURT: Spell your last name. Your full name.

25 HATUN AYTUG: H-A-T-U-N A-Y-T-U-G.